

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Case No. 1:21 CR 67 JAR (ACL)
)
WAYNE H. ROGERS,)
)
Defendant.)

ORDER

This matter was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b).

The Defendant filed a Motion to Dismiss (Doc. 179) the Indictment and the Government filed a Motion for Leave to File a Sealed Motion Response (Doc. 183) pursuant to Eastern District of Missouri Local Rule 13.05(A)(4)(a). After considering the Government's Motion to seal, the Court found that restriction of the First Amendment right of public access to the Memorandum in Support and the Response is necessitated by a compelling government interest.

Furthermore, the Court found that the evidentiary hearing held on the Motion must also be sealed.

Finally, in consideration of the evidence presented, the undersigned concluded that the Defendant failed to present a meritorious reason for dismissal of the Indictment and recommends that the Motion be denied.

Accordingly,

IT IS HEREBY ORDERED that the Government's Motion for Leave to File a Sealed Motion Response (Doc. 183) pursuant to Eastern District of Missouri Local Rule 13.05(A)(4)(a) is **granted**.

IT IS FURTHER RECOMMENDED that the Motion to Dismiss (Doc. 179) the Indictment be **denied**.

Further, the parties are advised that they have until June 7, 2022, within which to file written objections to this Report and Recommendation, unless an extension of time for good cause is obtained. Failure to file timely objections may result in a waiver of the right to appeal questions of fact. *Thompson v. Nix*, 897 F.2d 356 (8th Cir. 1990).

Dated this 24th day of May, 2022.

s/Abbie Crites-Leoni
ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE